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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,728	01/31/2001	Jacklyn M. Dowdy	10004878-1	2670

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EXAMINER	
AZARIAN, SEYED H	
ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 09/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/774,728	DOWDY, JACKLYN M.	
	Examiner	Art Unit	
	Seyed Azarian	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-20* is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claim17 objected to under 37 CFR 1.75(c), as being inconsistent terminology or vague, for example claim 17, page 33, line 12, "if the third time stamp is determined to "**be consistent**" with first time stamp, **rejecting said object** presented for validation, and line18 if the third time stamp is determined to "**be consistent**" with second time stamp, **rejecting said object** presented for validation, but line 24, if the third time stamp "**is not determined to be consistent**" with the first or second time stamp, **rejecting said object** presented for validation.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-16 and 18-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (U.S. patent 6,456,729) in view of Copella (U.S. patent 4,906,988).

Regarding claim 1, Moore discloses anti-counterfiting and tracking system comprising;

an anti-counterfeiting method, comprising (column 4, lines 34-43, anti-counterfeiting system which can track various goods);

creating a first data set having data in a first data arrangement (column 15, lines 37-46, creation of the data matrix symbology);

modifying the data within said first data set to create a second data arrangement for said first data set (column 30, lines 45-56, by detecting emission from a second second compound within said dye which is exited by absorption of first emission, and verifying the authenticity of symbol);

determining whether data on an object presented for validation is consistent with the data of the first or second data arrangement for said first data set; and if the data on said object presented for validation is determined to be consistent with the data of the first or second data arrangement for said first data set, accepting said object presented for validation, else rejecting said object presented for validation column 11, lines 42-56, searches the database for validation and displays the decoded message and column 28, lines 2-15, consists of an identifying mark on the product).

However Moore is silent about "object rejection". On the other hand Copella teaches (column 15, line 64 through column 16, line 8, if threshold less than 10 high and 10 low key value have identified then the object is rejected).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made, to modify Moore invention according to the teaching of Copella because by providing optically sensed variable translucency characteristic which recorded on the document prior to use and compared to sensed characteristic previously pre-recorded on the document to verify the authenticity of the document from forgery.

Regarding claim 2, Moore discloses the method, further comprising, providing at least one object with said first data set (column 13, lines 1-8, by providing an marks and tracks).

Regarding claim 3, Moore discloses the method, wherein the data within said first data set is modified every time an object is provided with said first data set (column 22, lines 33-45, modifying the code to include the information).

Regarding claim 4, Moore discloses the method, wherein an attribute of the data within said first data set is modified every time an object is provided with said first data set (column 30, lines 45-56, by detecting emission from a second compound within said dye which is exited by absorption of first emission, and verifying the authenticity of symbol);

Regarding claim 5, Moore discloses the method, further comprising; if the data on said object presented for validation is determined to be consistent with the data of

the first data arrangement for said first data set: determining whether another object having the first data set in the first data arrangement has previously been accepted rejecting said object presented for validation if it is determined that another object having the first data set in the first data arrangement has previously been accepted (column 11, lines 9-24, refer to continuous validation and alert the operator if the symbol is different).

Regarding claim 6, Moore discloses the method, wherein said at least one object includes a memory, and wherein providing at least one object with said first data set comprises transferring the first data set to said memory (column 13, lines 49-59 refer to memory).

Regarding claim 8, Moore discloses the method, wherein said at least one object further comprises a clock, said microprocessor accessing the clock to modify the first data set transferred to said memory according to a time interval (column 17, lines 58-65, refer to clock initiated and Fig. 3a, 3b, 3c column 10, lines 1-9 refer to time function).

Regarding claim 9, Moore discloses the method, further comprising, providing a plurality of objects with said first data set, and wherein the data within said first data set is modified after a preset number of the plurality of objects have been provided with said first data set (Fig. 1a column 10, lines 17-28, plurality of products or production modules).

Regarding claim 11, Moore discloses the method, further comprising, maintaining a record of the first and second data arrangements for said first data set (column 10, lines 17-29, refer to first and second number of production modules).

Regarding claim 12, Moore discloses the method, wherein said first data set comprises a first bitmap of image data representative of a first image, the first bitmap of image data including a first plurality of pixels, and wherein modifying the data within said first data set comprises changing at least one attribute of at least one of said first plurality of pixels (column 25, lines 50-59, refer to bit scale and pixels).

Regarding claim 15, Moore discloses the method, wherein determining whether data on an object presented for validation is consistent with the data of the first or second data arrangement for said first data set comprises, calculating a first reference sum for the first plurality of pixels in the first data arrangement; calculating a second reference sum for said second plurality of pixels; determining whether said second reference sum is consistent with said first reference sum, (column 24, lines 17-39, the data base can be arranged to cross-reference and cross-validate various arrays of information).

Regarding claim 16, Moore discloses the method, further comprising, displaying said first and second images (column 11, lines 43-56, refer to display).

Regarding claims 7, 13 and 19, it recites similar limitation as claims 6 and 12, are similarly analyzed.

Regarding claims 10, 14, 18 and 20, it recites similar limitation as claims 1 and 5, are similarly analyzed.

Other prior art cited

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent (6,003,763) to Gallagher et al is cited for method and apparatus for recording magnetic information on traveler's checks.

U.S. patent (6,137,892) to Powell et al is cited for data hiding based on neighborhood attributes.

U.S. patent (5,321,751) to Ray et al is cited for method and apparatus for credit card verification.

U.S. patent (5,436,970) to Ray et al is cited for method and apparatus for transaction card verification.

U.S. patent (5,974,150) to Kaish et al is cited for system and method for authentication of goods.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907.

The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(703) 872-9306, ("draft" or "informal" communications should be clearly labeled to expedite delivery to examiner).

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to T.C. customer service office whose telephone number is (703) 306-0377.

Seyed Azarian
Patent Examiner
Group Art Unit 2625
September 14, 2003

Jayanti K. Patel
Primary Examiner